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OFFICE OF PETITIONS

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P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

In re Application of :
Subrahmanyam et al. :
Application No. 10/039,063 :
Filed: December 31, 2001 :
Attorney Docket No. STL 10377/40046.179USU1 :

ON PETITION

This is a decision on the petition filed April 17, 2002, to accord the above-identified application a filing date of December 31, 2001, instead of January 5, 2002.

The petition is **granted**.

37 CFR 1.10(c) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of December 31, 2001.

A petition fee is unnecessary for a petition under 37 CFR 1.10. Therefore, the \$130 submitted with the petition will be credited to petitioner's deposit account.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of December 31, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy